



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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May 22, 2014

Joseph Pride
883 Vandalia Road
Morgantown, WV 26501

**RE: V14-18 / Joseph Pride / 883 Vandalia Road
Tax Map 34, Parcel 19**

Dear Mr. Pride,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1331.08 as it relates to setbacks for an accessory structure at 883 Vandalia Road.

The decision is as follows:

Board of Zoning Appeals, May 21, 2014:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved a two-and-one-half foot (2.5) variance from the rear setback requirements for accessory structures provided in Article 1331.08(3) without conditions.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that a building permit must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary
Development Services Department
shollar@cityofmorgantownwv.gov

ADDENDUM A – Approved Findings of Fact

V14-18 / Joseph Pride / 883 Vandalia Road

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The deck is built up to within one and a half foot of property line, which is a retaining wall. The existing location of the fire pit and the mechanical equipment for the in-ground pool appear to hinder placing the proposed gazebo accessory structure at least five (5) feet from the rear property line given structural support elements of the gazebo's design.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Variance is necessary because of existing pull pump house and fire pit.

Finding of Fact No. 3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The adjoining house to the rear of the petitioner's property appears to be approximately thirty-five (35) feet from the proposed location of the accessory gazebo structure. The space over which the gazebo is to be located has been used as a deck adjoining the in-ground pool for a number of years. The proposed gazebo is simply covering existing utilized deck space at the southwest corner of the petitioner's rear yard, which should not alter the context of how the petitioner's rear yard space currently performs and relates to adjoining properties and improvements.

Finding of Fact No. 4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The nature of the variance relief cannot contribute to or mitigate existing traffic patterns on neighboring streets. The proposed gazebo should enhance market value of the petitioner's property and neighboring properties as is customary to similar home improvements. The proposed gazebo should not alter the context of the existing land utilization of the petitioner's rear yard in terms of how it currently performs and relates to adjoining properties.